

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ELEKTRA ENTERTAINMENT	§	
GROUP, INC., <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-07-cv-0094
	§	
JOSE FUENTES, aka JOSE FUENTE,	§	
	§	
Defendant.	§	

**ORDER ENTERING DEFAULT, DEFAULT JUDGMENT,
AND INJUNCTION**

Plaintiffs have filed a motion for entry of default and default judgment against defendant Jose Fuentes, aka Jose Fuente, for his failure to answer or otherwise appear. Plaintiffs have submitted a declaration and application supporting their request for default judgment, an award of statutory damages for infringed works under the Copyright Act, 17 U.S.C. § 504(a) and (c), and for an injunction.

The defendant, Jose Fuentes, aka Jose Fuente, has failed to answer the complaint as required by Rule 12, Fed. R. Civ. P., making entry of default against him proper. The plaintiffs have filed a declaration, application, and exhibits in support of their claims for statutory damages and an injunction. The plaintiffs have also sent defendant notice of the motion for entry of default and default judgment. Further notice to the defendant and further

hearings are not necessary. Rule 55(b)(2), Fed. R. Civ. P. The motion for default judgment is granted.

This court concludes that the plaintiffs have established their entitlement to default judgment against the defendant Jose Fuentes, aka Jose Fuente, for the minimum statutory damages provided under section 504 of the Copyright Act (\$750.00) for each of the six infringements alleged in the Complaint, for a total of \$4,500.00, an injunction under section 502 of the Copyright Act, and costs in the amount of \$420.00.

Jose Fuentes, aka Jose Fuente must pay \$4,500.00 in damages to the plaintiffs for infringement of plaintiffs' copyrights.

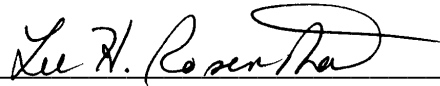
Jose Fuentes, aka Jose Fuente is enjoined from directly or indirectly infringing plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Stranger in My House," on album "A Nu Day," by artist "Tamia" (SR# 293-084);
- "Still D.R.E.," on album "2001," by artist "Dr. Dre" (SR# 277-983);
- "Guilty Conscience," on album "The Slim Shady LP," by artist "Eminem" (SR# 262-686);
- "One Sweet Day," on album "Daydream," by artist "Mariah Carey" (SR# 215-243);
- "Growing Pains," on album "Word of Mouf," by artist "Ludacris" (SR# 304-605); and
- "My Way," on album "My Way," by artist "Usher" (SR# 257-730).

Jose Fuentes aka Jose Fuente is enjoined from any infringing activities, including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of these recordings, to distribute (i.e., upload) any of these recordings, or to make any of these recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of the plaintiffs. Jose Fuentes aka Jose Fuente destroy all copies of these recordings he has downloaded onto any computer hard drive or server without plaintiffs' authorization and destroy all copies of those downloaded recordings transferred onto any physical medium or device in his possession, custody, or control.

Jose Fuentes aka Jose Fuente must also pay the costs of court in the amount of \$420.00.

SIGNED on May 31, 2007, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge